

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ADAM KORESJZA

Petitioner,

v.

Case No. 14-11716

HON. TERRENCE G. BERG

SHIRLEE HARRY

Respondent.

/

**ORDER DENYING PETITIONER'S MOTION TO BAR RESPONSE FROM  
RESPONDENT (DKT. 15); GRANTING PETITIONER'S MOTION TO  
RESUBMIT ORIGINAL BRIEF (DKT 20); AND GRANTING PETITIONER'S  
MOTION FOR LEAVE TO FILE SECOND AMENDED REPLY (DKT. 27)**

Petitioner Adam Koresjza filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed a response to the petition on December 15, 2014. Before the Court are three motions filed by Petitioner.

**I. Motion to Bar Response from Respondent (Dkt. 15)**

Respondent was initially given until November 4, 2014, to file a responsive pleading. On October 30, 2014, Respondent filed a motion to extend this deadline in order to retrieve the state records required to file a response. (Dkt. 13). The Court granted the motion, and gave Respondent until December 19, 2014, to file its response. (Dkt. 14). Respondent then filed a timely response on December 15, 2014. (Dkt. 17).

Petitioner's motion to bar the response was filed after the original deadline and also after the Court granted Respondent's motion to extend time. The motion was apparently filed without knowledge that Respondent had been granted an

extension of time to file its responsive pleading. Because Respondent filed its responsive pleading within the deadline set by the Court, the motion to bar response (Dkt. 15) is without merit, and, accordingly **IS DENIED**.

## **II. Motion to Resubmit Original Brief Corrected for Errors (Dkt. 20)**

Petitioner's next motion seeks an order allowing him to submit a corrected version of the brief in support of his habeas petition. He notes that the original brief contained typographical and formatting errors. It does not include any new claims or change the substance of his petition in any way. Petitioner attached the corrected brief to the motion.

Federal Rule of Civil Procedure 15 states that the Court should freely allow a party to amend when justice so requires. FED. R. CIV. P. 15(a)(2). Here, the Court concludes that Respondent will not be prejudiced by allowing Petitioner to file his corrected brief. Therefore, the motion to resubmit original brief corrected for errors (Dkt. 20) **IS GRANTED**.

## **III. Motion for Leave to File Second Amended Reply (Dkt. 27)**

Petitioner's final motion seeks permission to file a second amended reply to Respondent's responsive pleading. The motion seeks to clarify that Petitioner wishes to withdraw his claims of ineffective assistance of counsel and the denial of a

right to a public trial. A copy of the amended reply is attached to the motion. The Court determines that Respondent will not be prejudiced by the amended reply brief. Thus, the motion for leave to file second amended reply (Dkt. 27) **IS GRANTED.**

**IT IS SO ORDERED.**

Dated: August 4, 2015

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

**Certificate of Service**

I hereby certify that this Order was electronically submitted on August 4, 2015, using the CM/ECF system; a copy of this Order was also mailed to the Pugsley Correctional Facility, 7401 East Walton Road, Kingsley, MI 49649 directed to Plaintiff's attention.

s/A. Chubb  
Case Manager